IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

FRIDAY, THE 28TH SEPTEMBER 2007 / 6TH ASWINA 1929

RP.No. 419 of 2001()

AGAINST THE JUDGEMENT/ORDER IN CMA.321/1994 Dated 15/06/2001.

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PETITIONERS/ APPELLANTS IN THE CMA DEFENDANTS
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1. **M/S.SEASONS ENTERPRISES, KOMMADY WARD, ALAPPUZHA 7 REP.BY ITS PROPRIETOR K.P.JAMAL.**

2. **SUHARA BEEVI, WIFE OF K.P. JAMAL, M/S. SEASONS ENTERPRISES, KOMMADY WARD, ALAPPUZHA – 7.**

BY ADV. SRI.T.R.RAJEEV

RESPONDENTS: AUCTION PURCHASERS/PLAINTIFF
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1. **STATE BANK OF INDIA , ALAPPUZHA BRANCH REP.BY ITS BRANCH MANAGER**

2. **P.C.RAMANAN, CHIRAYIL VEEDU, PUTHENANGADY WARD, ALAPPUZHA.**

3. **MONICHAN, KULANGARAYIL HOUSE, BEACH WARD, ALAPPUZHA**

BY ADV. SRI.B.S.KRISHNAN (SR.)
SRI.M.V.MATHEW
SRI.K.ANAND (A.201)
SMT.LATHA KRISHNAN

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 28/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

tss

K.BALAKRISHNAN NAIR &

T.R.RAMACHANDRAN NAIR, JJ.

R.P. NO.419/2001 IN

C.M.A. NO. 321 OF 1994

Dated 28th September, 2007.

ORDER

Balakrishnan Nair, J.

This is an application for review. The impugned sale took place as early as in 1993. The first sale proclamation was adjourned at the instance of the judgment debtors, it is submitted. Since the adjournment was beyond the period of 30 days, there should have been a fresh proclamation, it is contended. Therefore, the sale is vitiated, it is submitted.

2. The above point was not raised in the C.M.A. Therefore, the same cannot be permitted to be raised through this review petition. So, the R.P filed, raising the said ground is not maintainable. We also notice the fact that the sale took place about 14 years ago and third parties are in possession of the property. Going by the principles, based on which a

judgment can be reviewed, we feel that no ground is made out in this R.P. Accordingly, it is dismissed.

K.BALAKRISHNAN NAIR, JUDGE.

T.R.RAMACHANDRAN NAIR, JUDGE.

Nm/

K.BALAKRISHNAN NAIR &

T.R.RAMACHANDRAN NAIR, JJ.

R.P.NO.419/2001 IN

C.M.A.NO.321/1994

ORDER

28.09.2007